

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA

FILED for  
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OCT 09 2008

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ANTHONY ANDRA BRINKLEY, )  
Plaintiff, )

Civil Action No. 7:08cv00538

v. )

MEMORANDUM OPINION

WARDEN, et al., )  
Defendants. )

By: Hon. Jackson L. Kiser  
Senior United States District Judge

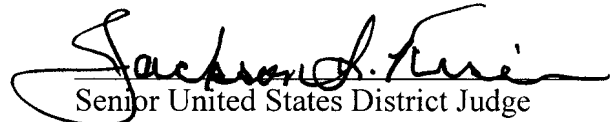
Plaintiff Anthony Andra Brinkley, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Brinkley has also requested to proceed in forma pauperis.

According to court records, Brinkley has filed at least three civil actions in a court of the United States that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.<sup>1</sup> Therefore, Brinkley may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Brinkley has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”<sup>2</sup> the court dismisses his complaint without prejudice.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 9th day of October, 2008.

  
Senior United States District Judge

<sup>1</sup> See Brinkley v. Abella, Civil Action No. 1:96cv00605 (E.D. Va. May 6, 1996); Brinkley v. Warden, et al., Civil Action No. 1:96cv00606 (E.D. Va. May 6, 1996); Brinkley v. Abella, et al., Civil Action No. 1:96cv00800 (E.D. Va. June 6, 1996); Brinkley v. Frontline Productions, et al., Civil Action No. 1:96cv00819 (E.D. Va. June 12, 1996); Brinkley v. Blackhole Entertainment, Civil Action No. 1:97cv00056 (E.D. Va. Jan. 21, 1997); Brinkley v. Medical Dept., Civil Action No. 1:99cv00706 (E.D. Va. June 10, 1999) (dismissed pursuant to 28 U.S.C. § 1915(g)); Brinkley v. Mahon, et al., Civil Action No. 1:02cv01341 (E.D. Va. Sept. 24, 2002) (dismissed pursuant to 28 U.S.C. § 1915(g)).

<sup>2</sup> Brinkley alleges that while he was in the special housing unit during an investigation, his personal property was damaged and his cigarettes were stolen. The court finds that Brinkley's allegations fail to demonstrate that he is under imminent danger of serious physical harm.